

# Should government sue gun makers to recover costs?

## Suits against gun makers cut homicides | Feds off-target with litigation plans

By Allen Rostron

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WASHINGTON — Imagine that you discovered a group of corporations has known for years about ways to make its products safer and to prevent thousands of unnecessary deaths and injuries, but chose to ignore them.

While enjoying the profits of that decision, they managed to make taxpayers pick up the tab for billions of dollars in costs.

Would you be content if government officials did nothing about it?

Some insist the government should do nothing — if the products are guns.

They howled when the Clinton administration announced plans to join local governments using their legal rights to demand accountability from gun companies.

If gun manufacturers refuse to be reasonable in settlement talks with cities and counties that have sued them, public housing authorities will file a lawsuit to recover immense costs of security incurred because of gun violence.

Much of the skepticism about these lawsuits would disappear if the public understood the facts and claims asserted and if the suits' opponents stopped misrepresenting them.

Contrary to what the gun industry's lawyers and lobbyists suggest, no one contends that any company should be liable merely for making guns that sometimes hurt people.

The lawsuits' central theme is not that guns are bad or should be abolished, but that these companies know specific ways they could make their products safer by changing the way they are designed and sold.

If gun companies negligently sell guns without vital safety features and without reasonable controls on distribution to keep them out of the wrong hands, they are violating fundamental legal obligations that apply to everyone in our society.

Public housing authorities have particularly compelling reasons to assert their legal rights.

While gun violence affects every community, the harm it inflicts on those living in public housing is exceptionally severe — the inevitable result of gun distribution practices

designed to maximize sales without regard to the flow of weapons into the hands of criminals and juveniles.

The government agencies that provide public housing would be irresponsible if they did not use their legal rights to reduce the danger and recoup some of the billions of taxpayer dollars spent over the years trying to protect residents.

The gun industry cries that the administration should not use courts to achieve its goals, but should seek relief only by passing new laws through Congress.

That objection is nonsense, because adjudication of rights and liabilities by courts has always been an integral part of our system of government.

Struggles for progress in most areas, from civil rights to auto safety, have been fought in courtrooms as well as legislatures.

It is also a disingenuous argument coming from these companies, who rely on the gun lobby's stranglehold on Congress to block common-sense safety proposals supported by overwhelming majorities of the American people.

Taxpayers will continue to pay the bill as long as gun companies refuse to take reasonable, feasible steps to make their products safer and to keep them away from those likely to misuse them.

Many families, in public housing and elsewhere, will continue to pay in tragic ways. When government officials assert legal rights against those causing this unnecessary harm, they perform a vital duty owed to us all.

The gun companies' response to the lawsuits should be to make a serious commitment to conduct business with responsible regard for everyone's safety, a step they should have volunteered to take long ago.

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By H. Sterling Burnett

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DALLAS — Robert Reich, former Clinton administration secretary of labor, wrote in 1999, "The era of big government may be over, but the era of regulation through litigation has just begun."

Confirming this prediction, the Department of Housing and Urban Development is preparing a lawsuit on behalf of approximately 3,200 public housing authorities, claiming that gun-makers should be held responsible for the public's share of the costs of the criminal gun violence in public housing.

This lawsuit is a hypocritical and unconstitutional attempt to extort concessions from the firearms industry.

The suit also threatens public safety.

Federal prosecutions for firearms crimes have fallen 44 percent and sentence lengths for firearm violations have dropped 20 percent under the Clinton Justice Department since 1992.

In addition, the Clinton administration has supported lawsuits by the federal Legal Services Corp. to stop public housing authorities from evicting criminals.

So, the same administration that wants to sue gunmakers for the cost of criminal gun violence defends the right of criminals to live in public housing and refuses to prosecute them when they commit gun crimes — if that's not hypocrisy, I don't know what is.

The lawsuit attempts to replace the will of the majority as expressed through the legislature with the determinations of an unelected judiciary.

President Clinton and HUD Secretary Andrew Cuomo have stated that the lawsuit is an effort to impose sales and marketing restrictions upon the gun industry.

Their threat: Do what we want or we'll bankrupt you! However, in our democratic republic Congress alone is constitutionally empowered to regulate interstate commerce.

Since the administration has been unable to convince legislators that removing guns from the hands of law-abiding citizens will reduce crime, they are now attempting to enlist the court's help in an end-run around the Constitu-

tion.

The lawsuits also look at only one side of the ledger.

Imagine suing prescription drug makers for the cost to society from overdoses, allergic reactions, intentional poisonings and instances where doctors prescribe the wrong drug — which happens 100,000 times a year — while ignoring the substantial benefits from prescription drugs.

Guns, like drugs, save lives and money.

Research shows that citizens use guns two and a half to five times more often to prevent crimes than to commit them — for a net societal savings from defensive gun uses exceeding \$38 billion annually.

Indeed, firearms are the most effective way to protect oneself against criminals — which is why police carry guns rather than going unarmed or carrying knives.

People defending themselves with guns during an assault were injured only 12 percent of the time, compared to 25 percent for those using other weapons and 27 percent for those offering no resistance at all.

The threatened lawsuit is nothing more than election year politics. According to Sen. Mitch McConnell, R-Ky., "These suits are becoming the great American hoax. ... The government and ... trial lawyers talk about victims, innocent children and injured people, then they twist the law to file a suit for the government — not the victims. The government gets bigger, the trial lawyers get richer and the injured people get nothing."

In the end, the true victims of these lawsuits will be voters and the public.

Voters will see their choices made in the voting booth negated in the courtroom.

And the public will be less safe since criminals will face an increasingly unarmed populace as the lawsuits make firearms less readily available to the law-abiding.

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